



Office of the Clerk
United States Bankruptcy Court, Northern District of California

M E M O R A N D U M

To: All ECF User's Group Members

From: Linda M. Collins, Court Services Administrator

Date: April 19, 2005

Subject: ***ECF Use's Group Minutes — March 22***

Attending: The Honorable Leslie Tchaikovsky
Gloria L. Franklin, Clerk of Court
Edward Emmons, Chief Deputy
Linda Collins, Court Services Administrator, linda_m_collins@canb.uscourts.gov
Patrick McGovern, patmcgov@patrickmcgovern.com
Peter Hadiaris, peterhadiaris@att.net
Paul Manasian, manasian@mrlawsf.com
Richard Adler, radler@winston.com
Elizabeth Berke-Dreyfuss, edreyfuss@wendel.com
Ori Katz, okatz@sheppardmullin.com
Renee Mendoza, ecf@moranlaw.net
Terri Molinaro, tmolinaro@ml-sf.com
Debbie Vajretti, dvajretti@ahk-law.com
Dennis Bilecki, Manager, Santa Rosa Division
Roger White, Manager, San Jose Division
Val Barbour, Assistant Division Manager, San Jose Division
Ernestina Lee, Manager, Oakland Division
Elizabeth Lucero, Manager, San Francisco Division
Kathy Bernart, Information Technology Section

Absent: Lois Brady, loisbrady@sbcglobal.net
Martha Bronitsky, 13trustee@oak13.com

Welcome

Ms. Franklin welcomed the attendees and thanked them for their interest and participation.

Judge Tchaikovsky also expressed her appreciation to the members for joining the committee. She mentioned that she is our Judge liaison and will take issues to the other judges in our court as necessary for quick resolution.

ECF Feedback - Positive Comments

As each member introduced themselves, they were asked to identify issues with the ECF program that they were pleased. The majority of the comments reflected that having access to the system 24 hours a day, 7 days a week, was a great benefit. Other positive comments included getting e:mail notices about docket activity, having a filing deadline of 11:59 pm instead of 4:30 pm, ready access to the docket, and not having to worry about lost files.

Purpose of This Committee

Linda mentioned that the role for the committee members were to be advocates for ECF and to bring issues about the program to the Court. She also asked that they be points of contacts for other attorneys who have concerns about ECF. Everyone agreed that they would take on this charge and approved the posting of their respective e:mail addresses in the minutes of this meeting.

Minutes of each meeting will be posted on our web site. Not only will they document what was discussed, but they will also serve as a vehicle to communicate with the Bar. It was agreed that meetings will be held bi-monthly and a call for agenda items will be made two weeks prior to each meeting.

Eddy mentioned that although we will try to address all items that are brought to us, it is important to keep in mind that the ECF program is “canned” software. Our IT staff is limited to what they can do with the programming. Certain things can be modified and some cannot.

One example of a feature that we were able to modify is the private docket entry for the Statement of Social Security Number of the debtors. Attorneys brought to the attention of the Court that when this private docket event was docketed, it was confusing because the document number would not appear on the docket. Our staff was able to change the event so that only the docket event displays. The docket text reads that it is a private entry.

Current Status/New Issues

Transcripts - Linda informed the members that transcribers have been given limited access to ECF. They are now able to docket transcripts. This means that whenever an attorney orders a transcript for a hearing, it will be available on the Court’s docket just like any other document that is docketed.

Claims - Kathy explained that claims will be able to be docketed on April 1.

Revised Administrative Procedures - Eddy distributed the revised Administrative Procedures which would be effective on March 23. He noted that all areas that were modified are highlighted in yellow. The reason for highlighting the modifications was in response to an attorney request asking us to identify any modifications or changes to the Interim Operating Order or Administrative Procedures.

Bankruptcy Reform Act

Judge Tchaikovsky stated that it appears that the new law will become effective in October of this year. She also said that she has been appointed to a national users group for ECF. Her participation in that group will be an asset to us not only to keep abreast of ECF changes, but also to be apprised of how we will be affected by the new bankruptcy law.

Reminders & Updates

Eddy asked everyone to remember to let the Court know if they have changed addresses or e:mail accounts. We have a significant amount of e:mail messages that are bounced-back to us due to the fact that we don't have correct e:mail address for many attorneys.

ECF Feedback - Frustrations

Comments were collected from each member of the group regarding frustrations with using the ECF program. Listed below each item is information about how to address the problem and/or an action plan for follow-up.

Frustrations	Suggestions and/or Recommendations	Action Required
It is difficult to know where to file a document. There is confusion about which menu item should be used. As an example, there is no listing for oppositions.	<ul style="list-style-type: none">• Use the event list on the web site & search for key words.• Individuals can contact the division managers for assistance.	<ul style="list-style-type: none">• At the next meeting, members will provide suggestions for key words that will help guide them and can be added to the event list.
Creating a paper file to have in court.	<ul style="list-style-type: none">• Attorneys can download PDFs to a laptop for review in the courtroom.	None
ECF procedures are different than in the past. More filings are required as a pleading is needed for each type of relief.	<ul style="list-style-type: none">• For immediate assistance, contact the division manager at the location where you are filing.	<ul style="list-style-type: none">• Linda Collins will follow-up with the attorneys and analyze our procedures regarding docketing of multiple reliefs.

There is concern about the electronic order submission procedure. In particular, the approval of the form of order by the opposing counsel.	<ul style="list-style-type: none"> • Orders are still required to be submitted to opposing parties prior to submission. • If all counsel has signed-off on proposed orders, original (wet) signatures need to be kept with attorney but typed name can appear on proposed order. • The certificate of service showing who was served the proposed order should be docketed prior to the proposed order upload. 	<ul style="list-style-type: none"> • Stipulated orders can be submitted as proposed orders. We will review how to submit proposed orders at our next meeting. • The court will update electronic orders procedures to address this issue.
There is confusion about when orders should be submitted to the Court.	<p>Judge Tchaikovsky indicated that E-Orders is still a new process for the judges and they are reviewing their procedures. The following judges will currently allow submission of orders prior to the hearing:</p> <ul style="list-style-type: none"> • Judge Jaroslovsky • Judge Carlson • Judge Montali 	None
It is not clear what each judge wants in the way of chambers copies.	Each division has the chambers copies requirements posted on our website under the ECF -> Reference Desk. An additional link is also on the main CM/ECF page.	Please read and be familiar with these procedures.
There is a concern about how to get documents to chambers within a short time frame. As an example, an application for a temporary restraining order needs to be acted on quickly.	Judge Tchaikovsky recommended that the attorneys call chambers to alert them about faxing documents.	None

Credit card processing problems.	The pay.gov system is handling the payments for all federal agencies. It is a recently implemented system and if there are sustained access problems we will not “lock out” attorneys from the system.	Please remember to check your pop-up blockers and allow ecf.canb.uscourts.gov . There are additional resources regarding popup blockers on the main CM/ECF page at the Court’s web site.
Consistency with filings and event names. Specifically if a fee is required, it should be indicated with the event name.	Contact the division manager for immediate assistance.	The court will review the amended schedule events to enhance the event regarding payment of fees.

Next Meeting

The next meeting is tentatively scheduled for Tuesday, May 24 at 1:30 pm. It will be held in the training room on the 18th floor in San Francisco.